GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:1804
ANSWERED ON:09.12.2015
Time Frame for Approval of Prosecution
Choudhary Shri Ram Tahal;Devi Smt. Rama

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Supreme Court has given a directive that undue delay in giving approval for prosecution for more than the stipulated time frame of three months is deemed to be automatically approved for prosecution;

(b) if so, the action taken by the Government on the said directives;

(c) the reasons for creating a provision by the Government for approval of additional time after three months even after the directives of the Supreme Court; and

(d) the steps taken by the Government in this regard?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office. (DR.JITENDRA SINGH)
(a): The Hon"ble Supreme Court of India, vide its judgment dated 18th December, 1997 in the case of VineetNarain Vs. Union of India, directed that time limit of three months for grant of sanction for prosecution must be strictly adhered to. However, additional time of one month may be allowed where consultation is required with the Attorney General (AG) or any Law Officer in the AG"s office.
(b) to (d):The Government has not made any provision in the Prevention of Corruption Act, 1988 for allowing additional time over and above the time limit prescribed by the Hon'ble Supreme Court of India. On the other hand, steps have been taken to adhere to the time limit prescribed by the Hon'ble Court. Department of Personnel & Training has issued guidelines vide its OM No.399/33/2006-AVD-III dated 6th November, 2006, providing for a definite time frame at each stage for handling of requests from CBI for prosecution of public servants. The Group of Ministers (GoM) on tackling corruption, in its first report, had also given certain recommendations for speedy disposal of sanction of prosecution cases, which included - taking decision on such cases within 3 months; monitoring of such cases at the level of Secretary of the Ministry/ Department and submission of report to the Cabinet Secretary; and in cases of refusal to accord sanction, submission of a report to the next higher authority within 7 days for information (where competent authority is Minister such report is to be submitted to the Prime Minister). On the basis of the said recommendation of the GoM, Department of Personnel &Training issued instructions on 3rd May, 2012. All Ministries/ Departments were again advised to strictly comply with the instructions contained in the OMs dated 6.11.2006 as modified by OM dated 03.05.2012.

Government has also issued instruction to the investigating agencies to submit all relevant records, alongwith the proposal for sanction for prosecution, through single window system vide its letter dated 28th July, 2014.
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